

# EXHIBIT 3

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UNITED STATES DISTRICT COURT

FOR DISTRICT OF NORTHERN CALIFORNIA

AURELIO MACIAL MATA

Case No.: C07-03915 HL

Plaintiff

DECLARATION OF JAMES DAL BON

vs.

ULRICO SERVICES ET AL

Defendants

I James Dal Bon declare under penalty of perjury by the laws of the State of California that the following is true and correct based upon my personal knowledge:

- 1) I am attorney of record for the Plaintiff in this case.
- 2) I had difficulty locating the defendants Ed Ulrick and Hal Flanders. When the Plaintiff came into my office he had difficulty spelling or pronouncing his employers' name.
- 3) I checked the California State Contractor's website at <http://www.cslb.ca.gov/> It does not list Hal Flanders or the Dafoe Company as licensed contractors. The same website does not list Ulrico Services or Ed Ulrick as licensed contractors during the time period covered by the complaint.
- 4) At the Case Management Conference in February 12, 2008 the Defense attorney for Bob Monsen presented me with copies of a series of contracts between himself and Defendants Ed Ulrick and Hal Flanders for the first time. The packet is more than 262 pages long.

- 1 5) Plaintiff's Exhibit 4 is a true copy of two of those contracts.
- 2 6) On March 12, 2008 on behalf of other employees, I filed a state court complaint
- 3 against Defendant Bob Monsen, Ed Ulrick and other Defendants for state and federal
- 4 wage and hour violations in state court.
- 5 7) This time I was able to serve Defendant Ed Ulrick the new complaint after I
- 6 discovered that Mr. Ulrick was hiring day laborers outside of Home Depot in
- 7 Sunnyvale.
- 8 8) Plaintiff's Exhibit 5 is a true copy of the Proof of Service of the new complaint on Ed
- 9 Ulrick of the second complaint.

10 April 22, 2008

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15 James Dal Bon

16 Attorney for Plaintiff  
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